

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

**WILLIE J. HENDERSON, JR.,**

**Plaintiff,**

**v.**

**INDIANA DEPARTMENT OF  
CORRECTION, *et al.*,**

**Defendants.**

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**CAUSE NO. 3:04-CV-674 AS**

**OPINION AND ORDER**

Willie J. Henderson, Jr., a *pro se* prisoner, filed a motion seeking to reinstate and amend his state medical negligence/malpractice claims which the court construes pursuant to FED. R. CIV. P. 60(b).

Mr. Henderson's medical malpractice claims were dismissed without prejudice after this court dismissed all of his federal law claims with prejudice. In so doing, this court declined to exercise supplemental jurisdiction over his state law claims pursuant to 28 U.S.C. § 1367(c)(3). The dismissal of his state law claims was without prejudice because this court did not review the merits of those claims and so that he could re-file them in state court if he so choose. Mr. Henderson now seeks to reinstate those state law claims in this court. He argues that this court erred when it did not infer that he had sought review before a medical malpractice review panel. He argues that he did seek such review and that the defendant did not qualify under the act.

Even accepting these new allegations as true, this is a federal court. This court does not have jurisdiction to hear his state law claims by a citizen of Indiana against other citizens of Indiana. If Mr. Henderson wishes to bring these state law claims against these defendants, he needs to do so in state court. Therefore his motion to reinstate this case must be denied.

Additionally, “a party cannot request leave to amend following a final judgment unless that judgment has been vacated.” *Weiss v. Cooley*, 230 F.3d 1027, 1034 (7th Cir. 2000). Because this case will not be reinstated, the judgment has not been vacated and the motion to amend must be denied.

For the foregoing reasons, the motion (docket # 56) is **DENIED**.

**IT IS SO ORDERED.**

**ENTERED: June 26, 2006**

**S/ ALLEN SHARP**  
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**ALLEN SHARP, JUDGE**  
**UNITED STATES DISTRICT COURT**